

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

|                              |   |              |
|------------------------------|---|--------------|
| MELVIN SPEIGHT               | : | CIVIL ACTION |
| <i>Petitioner</i>            | : |              |
|                              | : |              |
|                              | : | NO. 04-4110  |
| V.                           | : |              |
|                              | : |              |
| JEFFREY BEARD, <i>et al.</i> | : |              |
| <i>Respondents</i>           | : |              |

**O R D E R**

AND NOW, this 7<sup>th</sup> day of March 2017, upon consideration of the counseled Petition for Writ of *Habeas Corpus* filed on behalf of Petitioner Melvin Speight (“Petitioner”), [ECF 8, 31], the pleadings and record herein, and after a careful and independent review of the *Report and Recommendation* submitted by United States Magistrate Judge Linda K. Caracappa (“the Magistrate Judge”), [ECF 115], Petitioner’s objections thereto, [ECF 120], Respondents’ response to the objections, [ECF 126], Petitioner’s notice of supplemental authority, [ECF 127], and Respondents’ response thereto, [ECF 128], it is hereby **ORDERED**, consistent with the accompanying Memorandum Opinion filed on this day, that:

1. Petitioner’s objections are **OVERRULED**.
2. The *Report and Recommendation* is **APPROVED** and **ADOPTED**.
3. With respect to the penalty of death, upon agreement of Petitioner and Respondents, the petition for a writ of *habeas corpus* is **GRANTED**, and Petitioner’s case is remanded to the Commonwealth of Pennsylvania for resentencing.
4. With respect to the guilty phase of Petitioner’s trial, the petition for writ of *habeas corpus* is **DENIED** and **DISMISSED** with prejudice.
5. Petitioner’s motion for discovery, [ECF 99], is **DENIED**.
6. Petitioner’s motion for oral argument on the discovery motion, [ECF 111], is **DENIED**.
7. There is no probable cause to issue a certificate of appealability.
8. The Clerk of Court shall mark this matter **CLOSED**.

**BY THE COURT:**

/s/ Nitzia I. Quiñones Alejandro  
**NITZA I. QUIÑONES ALEJANDRO**  
*Judge, United States District Court*